

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

FRIDAY, THE 12TH JANUARY 2007 / 22ND PAUSHA 1928

WP(C).No. 33200 of 2006(B)

PETITIONER:

1. K.M.KARUNAKARAN,
III GRADE OVERSEER (LSGD), IRRIGATION SUB
DIVISION, THALASSERY, THIRURANGAD,
KANNUR DISTRICT.
2. M.RANJANA,
III GRADE OVERSEER, PAZHASSI IRRIGATION PROJECT,
SECTION NO. , KOOOTHUPARAMBU,
KANNUR DISTRICT.
3. O.U.SASIDHARAN,
III GRADE OVERSEER (LSGD),
IRRIGATION SUB DIVISION, THALASSERY,
THIRURANGAD, KANNUR DISTRICT.

BY ADV. SRI.M.V.BOSE
SRI.VINOD MADHAVAN
SMT.NISHA BOSE

RESPONDENTS:

1. THE STATE OF KERALA, REPRESENTED BY
THE CHIEF SECRETARY TO GOVERNMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.
2. THE PRINCIPAL SECRETARY,
WATER RESOURCES DEPARTMENT, THIRUVANANTHAPURAM.
3. THE CHIEF ENGINEER,
IRRIGATION AND ADMINISTRATION,
THIRUVANANTHAPURAM.

BY GOVT.PLEADER SRI.BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 12/01/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K.K.DENESAN, J

W.P.(C)NO.33200 of 2006

Dated this the 12th day of January, 2007

JUDGMENT

The petitioners were appointed temporarily as III grade Overseers in the Irrigation Department. It is contended that they had been working continued as such from 1982 onwards. The request made by the petitioners for regularising their service is being considered in the light of the report filed by the Chief Engineer of the department. In the meantime pursuant to the directions issued by the higher authorities, steps have been taken to terminate the service of the petitioners. It is in this background, this writ petition has been filed.

2. This Court, in the case of similarly situated persons who are the petitioners in W.P.(C) 26678/2006 has directed the Government to consider the case of the petitioners therein. In the light of the observations made by the apex court in paragraph 53 of the judgment in **State of Karnataka v Umadevi** (2006(4) SCC 1), this Court in the judgment in **W.P.(C) 26678/2006** has directed the Government to consider the case of the petitioners therein.

Following are the directions issued by this Court in the judgment dated 11.10.2006.

i) The first respondent shall take up such steps as are necessary to regularise, as a one-time measure, the service of III Grade Overseers in the Irrigation Department who have worked for ten years or more in duly sanctioned posts but not under cover of orders of courts or tribunals, provided their initial appointments were not illegal though irregular.

ii) This shall be done as far as the petitioners are concerned, based on the details furnished in Ext.P5 and as expeditiously as possible, in any event, within one month on the petitioners producing a copy of this judgment along with a copy of the writ petition.

iii) Respondents 1 and 2 shall ensure that regular recruitments are undertaken to fill up vacant sanctioned posts as are necessary in public interest and which are occupied by temporary employees or daily wages who are not entitled for the benefit on regularisation as ordered above.

iv) Respondents 1 and 2 shall take note of the directions issued by the Hon'ble Supreme Court in the above judgment that the process must be set in motion within six months from the date of that judgment. Hence there cannot be any further delay in implementing the directions of the Supreme Court in Umadevi's case(supra).

v) In view of the fact that the petitioners have been continuing for more than ten years as III Grade Overseers though on a provisional basis, and since the head of the department has recommended their cases for regularisation or for continuance in service, it will be in the interest of justice that the services of these petitioners are not terminated until the Government takes decision on Ext.P5 as directed above. Ordered accordingly."

3. The respondent Government filed I.A.17148/2006 in W.P.(C) 26678/2006 requesting to grant them extension for three months from 26.11.2006 to comply with the directions in the judgment. The above request has been granted. Therefore, the matter is still pending with the Government. That being the position, the first respondent shall consider the case of the petitioners in this writ petition also along with

the petitioners in W.P.(C)26678/2006. Ordered accordingly.

The interim direction issued in W.P.(C)26678/2006 will apply to the petitioners herein also.

K.K.DENESAN, JUDGE

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